

FILED BY *J* D.C.  
05 MAY 20 PM 3:05

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

ROBERT R. DI TROIO  
CLERK, U.S. DIST. CT.  
W.D. OF TN., MEMPHIS

ROBERT C. GILL, WALTER NORRIS )  
and CHRISTOPHER LEE, )  
Plaintiffs, )  
v. ) Case No. 05-2265 D P  
W.W. HERENTON, in his official capacity as )  
Mayor of the City of Memphis; CITY OF )  
MEMPHIS, a municipal corporation; LARRY A. )  
GODWIN, individually and in his official capacity )  
as Director of Police Services )  
for the City of Memphis, )  
Defendants. )

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**ORDER DENYING IN PART AND GRANTING IN PART PLAINTIFFS'  
APPLICATION FOR TEMPORARY RESTRAINING ORDER**

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This came on to be heard on May 18, 2005 on Plaintiffs' Application for Temporary Restraining Order to enjoin the scheduled promotional process for the ranks of Major and Inspector in the Memphis Police Department. Based upon the arguments of counsel and the record in this cause, the Court finds that Plaintiffs' Application for a restraining order to enjoin the Major and Inspector promotional exams is not well taken, as Plaintiffs have not made a sufficient showing that they would suffer imminent irreparable harm. Rather, the Court finds that the candidates who have prepared for the upcoming promotional examinations would suffer harm from a delay of the processes at this time. However, based upon representations of counsel for the City that promotions from the process will not be made in the near term and representations made by Plaintiffs' counsel, the Court grants Plaintiffs' Application for a

(13)

temporary restraining order to the extent that the City of Memphis is enjoined from filling, through the Major promotional process, the positions formerly held by Plaintiffs. The temporary restraining order will be in effect only until the hearing on Plaintiffs' Application for preliminary injunction.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that

1. Plaintiffs' Application for Temporary Restraining Order to enjoin the upcoming promotional process for the ranks of Major and Inspector in the Memphis Police Department is hereby denied;

2. Plaintiffs' Application for Temporary Restraining Order to enjoin the City from filling the ranks formerly held by Plaintiffs through the upcoming Major promotional process is granted pending the hearing on Plaintiffs' Application for preliminary injunction.

3. Plaintiffs' Application for preliminary injunction is hereby scheduled for May 31, 2005, beginning at 4:00 p.m.



Bernice Donald, United States District Court Judge

Date: May 20, 2005 - 2:12:30 p.m.

APPROVED:

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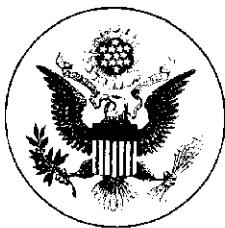
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# Notice of Distribution

This notice confirms a copy of the document docketed as number 13 in case 2:05-CV-02265 was distributed by fax, mail, or direct printing on May 23, 2005 to the parties listed.

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Honorable Bernice Donald  
US DISTRICT COURT